

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL HORACEK,

Plaintiff,

v.

Case No. 07-13822

DERRICK WILSON,
LIEUTENANT ATKINS, CAPTAIN WALLACE,
SISTER PEGGY DEVANEY, OAKLAND
COUNTY JAIL ADMINISTRATOR, OAKLAND
COUNTY JAIL CLASSIFICATION DEPARTMENT,
MARY, and JOHN DOES,

HONORABLE AVERN COHN

Defendants.

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**ORDER
DENYING PLAINTIFF'S OBJECTIONS TO MAGISTRATE JUDGE'S ORDER
DENYING PLAINTIFF'S MOTION TO OBTAIN DEFENDANT'S SERVICE ADDRESS**

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is proceeding pro se and in forma pauperis (IFP). Plaintiff names Derrick Wilson, Lieutenant Atkins, Captain Wallace, Sister Peggy Devaney, Oakland County Jail Administrator, Oakland County Jail Classification Department, and Mary (last name unknown), along with John Does as defendants. Plaintiff raised a host of claims regarding his incarceration at the Oakland County Jail (OCJ) from June 24, 2005 through July 6, 2006 as a pre-trial

detainee.¹ The case has been referred to a magistrate judge for pre-trial proceedings and before whom defendants Atkins, Wallace, Devaney, Oakland County Jail Administrator, Oakland County Jail Classification Department filed a motion for summary judgment. The Court adopted the magistrate judge's report and recommendation (MJRR) in part. Only plaintiff's First Amendment § 1983 claim and statutory claim regarding the provision of Kosher meals continue. Plaintiff was also directed to file a supplemental paper regarding this claim within thirty (30) days. See Order filed March 30, 2009.

Thereafter, plaintiff filed a motion to obtain the home address of Derrick Wilson so that he could effectuate service. The magistrate judge denied the motion. See Order filed March 31, 2009. Before the Court is plaintiff's objections to the order. For the reasons that follow, the objections are DENIED.

II.

The magistrate judge denied plaintiff's motion on the grounds that there was no perceptible need, such as to speed up the case, for plaintiff, rather than the Court, to effectuate service on Wilson. In his objections, plaintiff says that there has already been delays in the Marshals serving Wilson and that plaintiff could serve Wilson faster if given him home address. The Court disagrees. There is no good reason for plaintiff to have Wilson's address in order to serve him. The Court further notes that plaintiff has obtained a Clerk's entry of default against Wilson. The magistrate judge has directed Wilson to file a response to the entry of default and that order has been given to the

¹Plaintiff is now on parole.

Marshal's for service.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: April 22, 2009

I hereby certify that a copy of the foregoing document was mailed to Daniel Horacek, 218347, 951 Indianwood Road, Lake Orion, MI 48362 and the attorneys of record on this date, April 22, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160